

REMARKS

This Amendment is in response to the Office Action dated December 1, 2004, in which claims 1-4, 9-19 and 24-31 were rejected and claims 5-8 and 20-23 were objected to. With this Amendment, claims 14 and 15 are amended and the remaining claims are unchanged in the application. The Examiner's indication of allowable subject matter in claims 5-8 and 20-23 is appreciated. Applicants respectfully request reconsideration and allowance of all pending claims in view of the following remarks.

I. INFORMATION DISCLOSURE STATEMENT

At the top of page 2 of the Office Action, the Examiner requested that dates be submitted for certain documents in an Information Disclosure Statement (IDS) filed on January 5, 2004. Applicants respectfully point out that the documents listed under Other Art on pages 14 and 15 of the IDS were obtained from the Internet and were not dated. In any event, these documents were available on the Internet prior to October 1, 2002. Dates of the PCT search reports listed under Other Art, on pages 16 and 17 of the IDS, have been included in an attached Supplemental Information Disclosure Statement, which also lists the above-mentioned Internet documents.

II. CLAIM OBJECTIONS

In section 1 of the Office Action, the Examiner objected to claim 14 for including "Kelvin connector" instead of "Kelvin connection." Although a Kelvin connector includes a Kelvin connection, and therefore would be appropriate in claim 14, claim 14 has been amended in accordance with the Examiner's suggestion. Also, although believed to be appropriate in its original form, claim 15 has been amended in accordance with the Examiner's suggestion.

III. CLAIM REJECTIONS

In section 2 of the Office Action, claims 1, 2, 9-12, 15-17, 24-27 and 29-31 were rejected under 35 U.S.C. §102(b) as being anticipated by Alber et al., U.S. Patent No. 4,707,795. Further, in section 5 of the Office Action, claims 3 and 18 were rejected under 35 U.S.C. §103(a) as being unpatentable over Alber in view of Bertness, U.S. Patent No. 6,172,505. Also, in section 6 of the Office Action, claims 4, 13, 14, 19 and 28 were rejected under 35 U.S.C. §103(a) as being unpatentable over Alber in view of Champlin, U.S. Patent No. 6,137,269.

Claim 1 includes "a temperature sensor configured to measure a temperature of an individual electrochemical cell of the plurality of electrochemical cells of the battery," and "processing circuitry, coupled to the temperature sensor, configured to test the battery using the first and second connectors and to provide an output related to the temperature measured by the temperature sensor."

The Office Action suggests that Alber (Figures 1 and 2, and column 7 lines 66-67) discloses the above elements of claim 1. However, the pointed out figures and language of Alber relate to a battery testing and monitoring system specifically designed to enable the connection of certain optional features and equipment such as a cassette for mass data storage, a momentary load unit for integrity tests, power measuring equipment and temperature measuring equipment. The cited language of Alber does not describe the optional temperature measuring equipment as being "a temperature sensor configured to measure a temperature of an individual electrochemical cell of the plurality of electrochemical cells of the battery," as required by claim 1. Further, the cited figures and language of Alber do not show or describe processing circuitry coupled to a temperature sensor that measures a temperature of an individual electrochemical cell

of a plurality of electrochemical cells. Also, the Bertness and Champlin references do not overcome the deficiencies of the cited figures and language of the Alber reference. Therefore, claim 1 is patentably distinct and non-obvious over the cited references.

Independent claims 16 and 29 have elements similar to that of independent claim 1. Thus, for the same reasons as independent claim 1, Applicants submit that independent claims 16 and 29 are allowable as well. Moreover, Applicants respectfully submit that the dependent claims are also allowable by virtue of their dependency, either directly or indirectly, from the allowable independent claims. Further, the dependent claims set forth numerous elements not shown or suggested in the prior art (Alber, Bertness and Champlin). For example, claim 2 includes "the temperature sensor is a non-contact temperature sensor." The Office Action suggests that the thermal fuse (described in column 7, lines 37-38 of Alber) is a non-contact temperature sensor. Applicants respectfully point out that a "sensor" is defined as "a device that senses either the absolute value or change in a physical quantity such as temperature, pressure, . . . and converts that change into a useful input signal for and information-gathering system," and a fuse is defined as "an expendable device for opening an electric circuit when the current therein becomes excessive." (See attached definitions from the McGraw-Hill Dictionary of Scientific and Technical Terms (fifth edition), copyright © 1994). Clearly, a fuse and a sensor are substantially different elements. Further, there is no "contact" or "non-contact" fuse, as a fuse is never used to measure the temperature of a target (such as an individual battery cell).


In view of the foregoing, Applicant respectfully requests reconsideration and allowance of all pending claims. Favorable action upon all claims is solicited.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

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